

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE, CHARLOTTE DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 3:13CR184-FDW-DSC
	)	(Financial Litigation Unit)
	)	
JAMES OGISTE,	)	
Defendant,	)	
and	)	
	)	
DISTRIBUTION TECHNOLOGY,	)	
Garnishee.	)	

**ORDER OF CONTINUING GARNISHMENT**

**THIS MATTER** is before the Court on the Answer of Distribution Technology as Garnishee. Judgment in the criminal case was filed on June 20, 2012 (Doc. No. 1). As part of that Judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution of \$23,061.23 to the victim of the crime. *Id.*

On October 21, 2022, the Court entered a Writ of Continuing Garnishment (Doc. No. 40) to Garnishee Distribution Technology. Defendant was served with the Writ and Instructions notifying him of his right to request a hearing on October 27, 2022. The Garnishee was served on November 1, 2022. The Garnishee filed an Answer on November 9, 2022 (Doc. No. 43) stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings. Defendant did not request a hearing and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$22,861.23 computed through October 21, 2022. The Garnishee shall pay the United States up to the lesser of (1) twenty-five percent of Defendant's disposable earnings

which remain after all deductions required by law have been withheld, or (2) the amount by which Defendant's disposable earnings for each week exceed thirty times the federal minimum wage. *See* 15 U.S.C. § 1673(a). The Garnishee shall continue payments until the debt to Plaintiff is paid in full or until the Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court  
401 West Trade Street  
Charlotte, North Carolina 28202

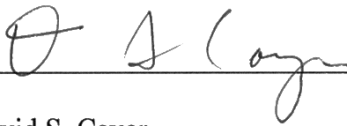
In order to ensure that each payment is credited properly, the following should be included on each check: Court Number 3:13CR184.

IT IS FURTHER ORDERED that the Garnishee will advise this Court if Defendant's employment is terminated at any time by the Garnishee or the Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: December 12, 2022

  
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David S. Cayer  
United States Magistrate Judge

